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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/881,096	06/24/1997	GREGORY J. SPEICHER	935-008	2718

7590

04/02/2002

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708 THIRD AVENUE
NEW YORK, NY 10017

EXAMINER

CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 04/02/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/881,096

Applicant(s)

SPEICHER, GREGORY J.

Examiner

Donald L. Champagne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-14, 41-46, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-14, 41-46, 48 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 1997 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 20 September 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/881,096 is acceptable and a CPA has been established. An action on the CPA follows.

Drawings

2. The drawings are objected to because a part at the right of Fig. 1 is labeled "PSTN", while that same part is described as the "PTN" in the text (beginning at p. 11 line 3). Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-14, 41-46, 48 and 49 are rejected under 35 USC 103(a) as obvious over Hyodo in view of Rondeau.
5. Hyodo teaches (independent claims 3, 9 and 41) a method and apparatus for providing a computer-based advertising system, the method comprising: an advertiser placing an advertisement; storing and publishing the advertisement; receiving a first connection from a user via the Internet in response to the advertisement; initiating a second voice connection with the advertiser via telephone; and coupling the first and second connections, whereby a voice connection between user and advertiser ensues (col. 3 lines 13-26 and col. 4 lines 12-31).
6. Hyodo does not teach that the Internet connection is a voice connection. Rondeau teaches (col. 3 lines 3-10) Internet voice connection. Because the service would be enhanced by permitting users to talk to advertisers directly from their PCs, it would have been obvious to

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one of ordinary skill in the art, at the time of the invention, to add Internet voice connection to the teaching of Hyodo.

7. Hyodo does not teach (independent claim 9) that the first connection is via telephone while the second voice connection is via the Internet. Because the service would be enhanced by permitting users either path for initiating and continuing the dialogue, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add this flexibility to the teaching of Hyodo.
8. Hyodo does not teach (independent claim 41) means for initiating a sequence to connect the user with the advertiser. Examiner could find no basis in the specification upon which to give a special meaning to this limitation, so "initiating a sequence" is interpreted as having the plain meaning of initiating an electronic communication connection, such as via a telephone call (MPEP § 2111.01). "Initiating a sequence" is therefore inherent to the reference teaching of a telephone connection (para. 5 above).
9. Hyodo does not teach (independent claim 41 and dependent claim 48) means for initiating the sequence in a random or advertiser specified order, once or an iterative number of times, indefinitely or over a predetermined interval. Because it was common, at the time of the invention, for advertisers to have multiple contact numbers (Hyodo lists two at col. 3 lines 29-30), and because it would enhance the service to provide access to more than one of these numbers, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide access in a random or advertiser specified order, once or an iterative number of times, indefinitely or over a predetermined interval. All of these options were common with electronic communications at the time of the invention, and users would have expected to be provided with this flexibility.
10. Hyodo does not teach (claim 49) the time of a call. As noted in the last paragraph, that sort of flexibility was common and therefore would be expected by users at the time of the instant invention.
11. Neither of the references teaches (claims 4 and 10) maintaining anonymity of the advertiser. This is a well-known property of personals ads.
12. Hyodo also teaches (claims 5, 6, 8, 11, 12, 14, 42 and 46): text advertising, the toll free number, col. 2 lines 34-35, which also reads on an electronic address; telephoning the toll-

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free number (col. 2 lines 39-40), which reads on audio advertising; and charging the advertiser (col. 4 lines 50-55).

13. Hyodo does not teach (claims 7 and 13) video advertising. Because the reference teaches the WWW, over which video distribution was common at the time of the instant invention, and because video enhances advertising, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add video advertising to the teaching of Hyodo.
14. Hyodo does not teach (claims 43-45) that the contact number is an Internet/LAN/e-mail address. However, the reference does teach the opposite communication, from advertiser to user, via the Internet/LAN/e-mail (col. 1 line 28), and because the service would be enhanced by providing as many means for contacting the advertiser as possible, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add Internet/LAN/e-mail contact numbers to the teaching of Hyodo.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications may be sent directly to the examiner at 703-746-5536.
16. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular official communications and 703-746-7238 for After Final official communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.
17. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov.

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At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

A handwritten signature in black ink, appearing to read "Donald L. Champagne", written in a cursive style.

Donald L. Champagne
Examiner
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1 April 2002